Legal Aid Manitoba
L'Aide Juridique du Manitoba

Eighteenth Annual Report

March 31, 1990

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The Legal Aid Services Society of Manitoba
L'Aide Juridique du Manitoba
Annual Report

1990

EIGHTEENTH ANNUAL REPORT

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Fiscal Year Ending March 31, 1990

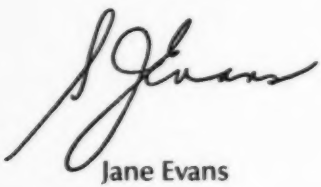
The Honourable James McCrae
Attorney-General
Province of Manitoba
Room 104 - Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Sir:

Pursuant to Section 28 of the Legal Aid Services Society of Manitoba Act, I am pleased to submit the Eighteenth Annual Report of the Society for the year ending March 31, 1990.

Detailed statistical information relating to clients, cases and costs is attached as Appendix A. The report of the Provincial Auditor is attached as Appendix B.

Respectfully submitted,



Jane Evans
Chairperson
Board of Directors

CHAIRPERSON'S REPORT

Board of Directors

The Board of Directors of Legal Aid Manitoba has the responsibility generally to oversee the Society's operations and to develop policies for the program. In addition, the Board serves an appellate function in reviewing decisions of the Executive Director in the taxation of lawyer's accounts to the program and regarding the eligibility of clients for Legal Aid.

Each month, the Board of Directors decides upon appeals brought by lawyers and clients from decisions of the Executive Director. The appeal is decided by the Board as a whole having regard to the recommendations of the individual member who has reviewed the file and who has been available to discuss the matter with the appellant. Of the 340 appeals heard by the Board over the last year, 132 were appeals by lawyers regarding taxation of their accounts by the Executive Director. Of the appeals by clients regarding applications for Legal Aid, being the balance of the appeals, most raised the issue of the merit of the client's case in respect of which a certificate had been requested. The Board exercises its discretion to ensure that Legal Aid certificates issue only in respect of those cases which have a likelihood of success or where the consequences to the client are sufficiently substantial to warrant the issuance of a certificate. The remaining 34 were appeals from clients refused on the basis of financial ineligibility.

As in past years, the Board has continued to review its policies on a periodic basis, in the context of the appeals that come before it. The senior administrative staff through the Executive Director provide the Board with insightful analyses on a regular basis as to how the program is affected when the Board's policies are implemented.

In the past several years, the development of policies by the Board and its appellate decisions have been shaped of necessity by budgetary restraints.

As noted elsewhere in this report, in November of 1989, the composition of the Board changed substantially, the only continuing members being the three representatives of the Law Society of Manitoba and the designate of the Attorney General of Canada. The following people, all of whom have served on the Board at some time within the last year are to be commended for their contribution to Legal Aid Manitoba:

Doug Yard
Aaron Berg
Sharon Schultz
Bill Armstrong
Perry Schulman
Randy McNicol
Geordie Little
Emily Crewson
Roger Kane
Heather Pullan
Colin Trigwell
Jane Park
Bill Malcolm
Audreen Hourie
Sam Wilder
Judy Cook
Bert Dacquay
Daryl Diamond
Learie Peters

In particular, I extend my appreciation to the past Chairman, Douglas Yard, Q.C., who through strong guidance of the Board over many years, helped to shape the program which is so well regarded today, and whose assistance and information to me at the time of transition of the Board was most helpful.

Program and Planning

The statistics contained in this report clearly demonstrate the increasing demand for Legal Aid services, and the ever increasing costs associated with those services. Applications for Legal Aid increased in excess of 7%, particularly in the area of civil cases. In keeping with that, the number of certificates issued to the private bar increased by 8%, although the number of refusals also rose by almost 7%. The costs per case dealt with by the private bar and the costs per case dealt with by staff are both increasing, the latter in particular because of recent finalization of staff salary increases.

To offset those rising costs, various proposals have been made to the Board for consideration by the senior administrative staff through the Executive Director as to various cost saving measures, a few of which have been implemented successfully. The Executive Director has highlighted in his report the considerable efforts of the staff which contributed to reducing the cost of operations. The financial statistics for the program are reviewed on a monthly basis by the Board, and the Executive Director is vigilant in bringing significant items to the Board's attention.

Over the past year, some discussion did take place within the Justice Department regarding the delivery model with no changes being proposed at this time. The Board itself in the upcoming year, will be reviewing the matter of service delivery and other planning proposals initiated by past Board members regarding staffing and technology.

The Board completed this past year its recommendations for updating The Legal Aid Services Society of Manitoba Act and regulations. Many of the proposed changes serve only to better reflect what is current practice. Of the substantive amendments proposed, the Board's recommendations include statutory authorization for the creation of a charge on land in favour of Legal Aid Manitoba to secure a reimbursement of Legal Aid costs, a summary procedure for dealing with appeals of new information on past applications, and an empowering section giving the Society

powers related and ancillary to its main functions so as to provide greater flexibility. The Board appreciates the extensive input by William Dunn, Legal Director, to the preparation and review of these recommendations.

There is every expectation that the demand for Legal Aid service will only increase over the coming year. The recent Supreme Court decision of *R.* v. *Brydges*, requiring that persons in custody be clearly advised of the availability of legal aid, will put an additional strain on the oncall service. In addition, the Manitoba Court of Appeal decision of *R.* v. *Doerkson* increases the likelihood of accused being incarcerated for impaired driving charges and therefore will have a significant impact on the number of Legal Aid certificates issued.

A further factor which will substantially affect the operations of the Society is the imposition of the Goods and Services Tax on January 1st, 1991. Most recent changes to the federal legislation make it clear that legal aid services will be subject to the new tax, creating an added strain on cashflow in respect of certificates issued to the private bar. All services rendered by the private bar prior to the calendar year end must be billed within the first four months of 1991, creating a further significant potential cashflow problem for the Society. Administrative expenses during the initial period of the new tax will also likely increase in order to ensure that the new tax is properly recorded, claimed and paid.

Financial Eligibility

The financial eligibility guidelines which Legal Aid Manitoba has been using for the past several years equate to the 1988 Statistics Canada poverty levels. Clearly, those outdated levels are not the appropriate criteria for establishing the needs of people today. The Board of Directors monitors these guidelines on a regular basis, but it has been unable to implement changes because of budgetary restraints and increasing demand for the service. The Board's initial decision to increase the eligibility guidelines to the 1989 Statistics Canada poverty levels in October 1989 was delayed because of these limitations. The increase is now proposed to be implemented as of July 1st, 1990 with the hope that a further increase might take place at the beginning of the 1992 fiscal year.

Over this last fiscal year, the availability of Legal Aid services was extended through the Expanded Eligibility Program, described in the Executive Director's Report. This program has been very successful in extending assistance to persons just outside the financial guidelines by making legal services available at the reduced legal aid rate and by allowing the opportunity to repay all or only some portion of that cost over time. The two year program first went into operation in June, 1989, and is apparently unique in Canada.

Acknowledgements

The current standard of Legal Aid services in Manitoba could not have been achieved without the cooperation of its funders. The program generally is funded through the Federal Department of Justice together

with the Province of Manitoba. The Expanded Eligibility Program was made possible with a grant from the Federal Department of Justice. The Manitoba Law Foundation has continued to provide grants to fund the Public Interest Law Centre and the University of Manitoba Clinic. On behalf of the Society, its Board and the clients the Society services, I express our appreciation for the continued support of these funders.

The recent transition to a new Board might have been awkward, if not painful, but for the patient cooperation and continuous information forthcoming from Legal Aid Manitoba senior administrative staff. Bill Dunn and Ron Klassen have been most helpful in assisting the new Board members at appeal hearings, and in providing up-to-date information on Society operations at its Board meetings. The Board, in particular its new members, are indebted to them. The Executive Director, Allan Fineblit, continues to manage successfully and creatively what is often an unwieldy collection of programs subject to unpredictable changes and demands. Somehow under his guidance, productivity increases to meet the demand in spite of difficult financial pressures. I extend my personal thanks also to Allan for his special effort in introducing myself and the other new Board members to the Legal Aid program. His contributions to the Board throughout the year have been invaluable. Lastly, I would echo on behalf of the Board, the appreciation expressed by the Executive Director for the many extra efforts by the lawyers and other staff of the Society over the past year. The continued success of the Society's operations reflects the high productivity of the staff and the private bar counsel through whom it serves.

Jane Evans
Chairperson

EXECUTIVE DIRECTOR'S REPORT

Board of Directors

The Executive Director's job is to implement the policy direction that comes from the Board of Directors. For that reason it is a big event when the Board of Directors of Legal Aid are changed. In October of 1989, the majority of the Board of Legal Aid was replaced. This is a fairly normal practise when a government changes. Nevertheless, when eight of a twelve member Board are replaced, you can be sure that there will be some significant impact on an organization.

The departing Board Members served Legal Aid well. They came from diverse backgrounds and brought a variety of life experiences and skills with them. Some of them had nine years of service to Legal Aid. They were a pleasure to work with and I will miss them all.

I wish to make special mention of Doug Yard, Q.C., the departing Chair. Doug had a busy law practise. He always made the time and never short-changed anyone. Clients could talk to him at length if they needed to. I and other Legal Aid staff found his door open, his advice prudent and practical.

Doug's contributions were significant in a number of areas, including a significant contribution in developing the October 1987 block fee tariff. In particular I want to note the "tone" that Doug set for Legal Aid. He treated everyone with dignity, fairness, patience and with compassion.

Whenever an old Board leaves, it means a new one arrives. Naturally I wondered what their individual and collective attitudes and styles would be. I take great pleasure in our new appointments. They also come from diverse backgrounds. They are full of interest and energy. They have put a spark in the organization that is most welcome. Having worked with them for six months at the time of writing this, I feel confident that low-income people in Manitoba will be well served by this new Board.

LALA

Legal Aid, the Province and the Legal Aid Lawyers Association (LALA) concluded a collective agreement at the end of 1989. The Agreement for three years is retroactive to September 1987. A number of non-salary issues were resolved and the salaries of our staff lawyers moved closer to parity with Provincial Government lawyers. Also a new salary category (called General Counsel), based on excellence was created. I wish to congratulate Arne Peltz and William Malcolm who were appointed to those positions.

Expanded Eligibility

I have written in previous Annual Reports about the frustrations that all Legal Aid Plans face in being unable to deliver service to those who don't qualify financially for legal aid assistance and yet clearly cannot

afford the legal services they need. We say no to these people and many do not find a way to get the help they need.

Last year we developed an exciting concept for a program to help these people. In June 1989 with a grant from the Federal Department of Justice, we put in place our expanded eligibility program. Basically clients who are above our eligibility guidelines but below the guidelines two up, are now eligible with a full contribution. These people can afford to pay modest monthly payments. Because they are getting Legal Aid assistance, they get the advantage of significantly reduced rates. More importantly they do not have to come up with a retainer. We hope this Program will serve as a model of a cheap and effective way Legal Aid plans can deliver services to the working poor.

The Program is run by our Legal Director, Bill Dunn. He faced many challenges in setting up the administration of a program that, as far as we know, has never been tried anywhere else. Every day Bill broke new ground and it's thanks to him that the program is running smoothly.

A formal evaluation of the program will be done in two years (June 1991), but it is clear to me that it is a big success in meeting its goals of bringing affordable legal services to the working poor. Along with Bill Dunn, credit for the program's success must go to the Bar who supported it, and to the Federal Department of Justice who funded it and to the front-line staff who administer it.

Deputy Director

In September 1988, our Deputy Director, Sheila Rogers, took a one year leave of absence and in the summer of 1989, she advised us that she decided to stay in Northern Ireland. Sheila was a good friend and I will miss her.

The position is a key one at Legal Aid. Aside from specific responsibility for the Community Law Centre portion of our Program, the Deputy Director is in effect "second in command" of the whole Legal Aid Program. Ronn Klassen was selected by the Hiring Committee from an exceptional field of applicants. Ronn had been the Supervising Attorney at our Youth Office and had been replacing Sheila during her leave of absence. He has boundless energy, an organized mind and a bizarre sense of humour - all of which are prerequisites for the job.

Northern Paralegal Program Evaluation

The Northern Paralegal Program was evaluated during its first two years of operation. The final Evaluation Report was prepared by the Working Margins Consulting Group and was presented in September of 1989. The Evaluation was positive. I would like to quote from the introduction to the Evaluation:

"The overall conclusions concerning the Northern Paralegal Project to this point are very positive. The Project is clearly needed and is appreciated by most of those surveyed. The Project has effectively increased access to legal services among northern native residents and it has improved communications between lawyers and clients and between the court and clients. There has been a great increase in the areas of civil and family law services in particular. Drop-in and telephone advice has increased dramatically and community court dockets seem to have been reduced as a result of project implementation. Moreover, those who are working in other regional and community agencies have a positive impression of the project for the most part and feel that the paralegals are being well received in the communities. As well, paralegal activities appear to have reduced the time required of Legal Aid Manitoba lawyers per case by improving efficiencies in information collection and communication."

The Report was not without criticism and suggestions for the future. After reviewing the Report it was decided that Mel Holley, a paralegal in our Public Interest Law Centre would be given overall management responsibility for the Program with a mandate to make the changes and improvements we felt necessary flowing from the recommendations in the Evaluation.

Budget

Like many other Legal Aid Plans in Canada, Legal Aid Manitoba experienced an increase in demand last year. There were several factors that contributed to it. Heightened awareness surrounding issues like domestic violence, sexual abuse and aboriginal people and the law was one factor. The poor farm economy contributed to increased demand in rural areas. More serious treatment of impaired driving cases by the justice system meant that Legal Aid was required to provide lawyers for cases that we didn't handle before. At the request of the Provincial Government, Legal Aid began providing services to people on social assistance who were seeking spousal support. All of these factors increased demand for Legal Aid services by over 7% in the 1989/90 fiscal year.

The average cost per case sent to the private bar rose as well. We believe this was in large part due to an increase in the cost of disbursements for such things as blood tests and psychiatric reports. Also the expansion of the Queen's Bench Family Division outside of Winnipeg increased the cost of many domestic files.

Finally, the reduction in the Criminal Courts backlog meant that cases concluded faster and bills were received earlier than was anticipated. A combination of more cases at a higher average cost being billed out faster meant a significant budget problem for Legal Aid. We sought and received $960,000 in supplementary funding for private bar fees and disbursements.

At Legal Aid we don't like to be over budget. As a demand sensitive agency, however there are few options when external factors contribute to increased costs. In September 1989, when we realized our situation, our Board decided to take whatever steps were in their control to reduce the budget shortfall. Financial eligibility guidelines which are normally adjusted each October to keep pace with Statistics Canada Poverty levels, were frozen until April of 1990. Our Area Directors and Legal Accounts Officers were instructed to "be tough" in their application of the Legal Aid eligibility guidelines and tariff of fees. Few discretionary expenditures were approved. Staff lawyers were asked to increase their already heavy caseloads. It is our belief that these extraordinary measures significantly reduced our supplementary funding needs.

Selkirk Legal Aid

Legal Aid has for many years had an arrangement with a private law firm in Selkirk to provide legal aid advice services. This arrangement was a hold over from the earlier days of Legal Aid when all out of Winnipeg Area Directors were private bar lawyers and most Legal Aid services in rural and northern areas were delivered by the private bar. Selkirk is close to Winnipeg and there is now an active local bar handling most of the Legal Aid work in the area. For those reasons our Board decided that the time had come to close this last private bar Legal Aid office as of November 1, 1989. Over the years that office provided service to thousands of Manitobans. The people in that office can be proud of their work on behalf of low income Manitobans.

The People

The 1989/90 fiscal year saw many changes. I believe Legal Aid is on the whole a better organization today than it was a year ago. Here's why.

- We have a wonderful staff. I am always amazed by the commitment and the dedication I see every day. Support staff who work evenings and weekends and sometimes using outdated and inadequate equipment; lawyers who continue to be highly productive and yet manage to be creative (even enthusiastic) about implementing new programs and ideas. Senior administrative staff that I have the pleasue of working with operate as a cohesive unit continually finding new ways to meet growing demands with limited resources.

- There is a commitment to Legal Aid from our major funders - the Provincial and Federal Governments and the Manitoba Law Foundation. The Manitoba Law Foundation has also had a major change in its Board. We were pleased to learn that their financial commitment to the Legal Aid Programs they fund (the Public Interest Law Centre and the University of Manitoba Clinic) through discretionary grants, not only continued, but increased. The Federal Department of Justice has shown a willingness to fund innovative programs in the Legal Aid area. This "seed money" has borne fruit in Manitoba many times. Most recently they have funded our Expanded Eligibility Program.

Perhaps our largest single funder is the Province. The Legal Aid file cannot be an easy portfolio to administer for the Department of Justice. We take on controversial cases (often with the Province on the other side) and our demand sensitive budget needs sometimes are hard to explain to Treasury Board. The media is generally interested in Legal Aid stories and the Minister is frequently called upon to respond (usually about matters over which he has no knowledge or control). I have had the good fortune to have as our Departmental contact, Ron Perozzo (the Assistant Deputy Minister) who understands all of the issues and is a problem solver. There are many others in the Department, including the Minister himself, who share the credit for what we are.

Some Numbers

- Demand increased by 7.2% over the previous year in the 1989/90 fiscal year. Staff certificate productivity increased by 5.4% and private bar lawyers received 18,?53 certificates in 1989/90 compared to 16,992 in 1988/89.

- The total number of people assisted through drop-in advice, duty counsel and certificates increased from 68,542 in the previous year to 70,187 in 1989/90.

- There were 884 lawyers on the Legal Aid panel on March 31, 1990 (851 last year) out of approximately 1600 practising lawyers in Manitoba. There were also 34 staff lawyers handling cases.

- Total payments to the private bar increased from $7.5 million in 1988/89 to $8.2 million in 1989/90. The following represents a break-down of the payments to the private bar:

	Number of Lawyers	
Dollars	**1989/90**	**1988/89**
$100,000 and over	10	8
$ 80,000 - $99,999	11	11
$ 60,000 - $79,000	13	10
$ 40,000 - $59,999	18	21
$ 20,000 - $39,999	77	66
$ 10,000 - $19,999	67	66
$ 1,000 - $ 9,999	203	235
Under $1,000	126	111
TOTAL	525	528

Goals and Results

In last year's Annual Report we mentioned three areas that needed future work. We expressed a strong need to upgrade our infrastructure by expanding our support staff and modernizing our equipment. As we didn't get any money in our budget for this, we had to explore "creative alternatives". For example we were able to purchase word processing equipment for our Main Street office by finding a cheap multi-user system and by having staff contribute to the cost by increasing certificate

productivity. We were also able to add some term staff by obtaining grant money. The overall problem has not been solved and ultimately we will have to address it through the budget process.

We noted in last year's Annual Report that we would have to be ready to respond to the recommendations of the Aboriginal Justice Inquiry and to find a way to deliver culturally appropriate services to aboriginal people. While the Aboriginal Justice Report is not yet complete, we have begun the process in response to our Northern Paralegal Program evaluation. We hope our refinement of the Program will serve as a model for service delivery to aboriginal people throughout the Province.

In last year's Annual Report we noted the need to explore alternate delivery models. Some exploration has been done particularly in the area of paralegal service delivery. No new programs or delivery models are yet in place however.

The Future

There are many issues on the Legal Aid agenda for 1990 and beyond. Here are some of the most important:

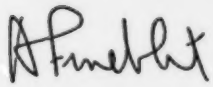
1. Our certificate issuing and record keeping is still done manually in The Pas and Dauphin Area Offices. Once again we will be asking our amazing systems analyst, James Ramsay, to work a miracle with a pair of plyers and no budget. We hope to find a way to have those two Area Offices linked to our computerized certificate issuing and record keeping system in 1990/91.

2. I have commented on the significantly increased photocopying costs in domestic cases. Part of this was due to the increase in photocopying costs as a result of the expansion of the Queen's Bench Family Division outside of Winnipeg. Aside from the cost of this, it is an environmental issue. We believe this is just one example of where Legal Aid hasn't been very environmentally friendly. We intend to clean up our act in 1990/91. We will be looking at things like recycling all of our office paper, using less photocopying and getting our business cards, envelopes and other paper printed on recycled paper. By working with our colleagues in other jurisdictions and within the Provincial Department of Justice, we will also try and address the issue in the justice system generally. Watch for a section on "The Greening of Legal Aid" in our next Annual Report.

3. The Goods and Services Tax is scheduled to be here on January 1, 1991. Because all of the details of its application to Legal Aid are not set at the time this was written, it is not possible yet to know the exact impact. We do know it is going to have a large impact on how Legal Aid Plans operate. We will have to adjust our operation to accommodate this.

4. The Aboriginal Justice Inquiry is expected to produce a report in the fall of 1990. It's recommendations will no doubt have an impact on Legal Aid service delivery.

5. The decision of the Supreme Court in early 1990 in R. vs. Brydges has begun to have an impact on Legal Aid Manitoba's already over-burdened on-call service. We will have to find a way to deliver service without overwhelming the staff at our Broadway Office who run the current service.



Allan Fineblit
Executive Director

Broadway Community Law Centre

Located relatively near to the Law Courts complex in downtown Winnipeg, the office specializes in criminal, immigration and prison law. It serves clients not only from throughout the City, but as well, through the circuit courts it services and the on-call program, from a larger area in southern Manitoba and east of Lake Winnipeg.

The Law Centre has a staff of sixteen - one supervising attorney, seven staff lawyers, five support staff (one part-time), two articling students and one paralegal. One of the lawyers was hired with the assistance of federal funding as the "Designated Counsel" whose primary duties are to deal with refugee claims and other Immigration matters.

The office provides services through three main categories: as Duty Counsel (including "on-call"); by Certificate case work; and by providing telephone and "drop-in" advice and assistance.

Currently, the Duty Counsel programs are as follows:

1) Criminal Court Duty Counsel in Winnipeg (3 courts);

2) an "on-call" service for those arrested or in custody after normal working hours;

3) Circuit Court Duty Counsel at Pine Falls and on the northern circuits of Berens River, Bloodvein, Little Grand Rapids, Poplar River and Paungassi;

4) "Prison" Duty Counsel at both Stony Mountain Penitentiary and Headingley Gaol.

Assisted by a student from time to time, two staff lawyers, Judy Elliott and Heather Pullan, continue to act as Duty Counsel at Stony Mountain. The paralegal, Hilda Towers, continues to attend at Headingley Gaol.

The total number of people assisted by all of our Duty Counsel programs (including on-call), declined modestly to 11,474.

Last year (after many years of steady increase), there was a significant decrease in certificate or case work that was only to some extent anticipated. This year, much of the "lost ground" was recovered as the number of Certificates received increased by 18.6% to a total of 1,786.

The office sees drop-ins by appointment four afternoons each week and each Wednesday evening on an unscheduled basis. For those who cannot come to the office, the paralegal attends to the various hospitals and psychiatric units on an on-call basis. There is also an Immigration drop-in clinic each Tuesday afternoon.

The total number of all of those given "drop-in" assistance increased this year by a staggering amount (66.8%) to a total of 2,955.

Main Street Community Law Centre

Main Street Community Law Centre is located in the core area of Winnipeg at 929 Main Street. The office is open from 8:30 a.m. to 4:30 p.m. with evening drop-in service operating on Monday and Thursday evening from 6:00 p.m. to 8:00 p.m. The office is staffed by 7 lawyers, 1 paralegal, 2 students and a support staff of 5.

The Main Street Office generally handles domestic and civil certificate work. In addition the office provides criminal duty counsel for circuit courts in Steinbach, Fisher Branch, Pine Falls, Gypsumville and Roseau River.

The Main Street Office continues to provide duty counsel services the Osborne House a facility for abused women and Ikwe-Widdjiitiwin Inc. a similar facility for Native women. This duty counsel is provided by three lawyers and a paralegal. The service guarantees a one day response time to women seeking legal representation. Approximately 270 women are assisted by this program each year.

There were 1573 certificates issued to Main Street in the 1989/90 fiscal year. This resulted in an average of 18.7 certificates per month per lawyer which represents a significant increase in production over previous years.

The office continues to provide services in addition to certificate work, drop-in advice, and duty counsel including home visits, attendance at Stony Mountain and Headingley.

Approximately half of the certificate load at the Main Street Office is made up of specific requests for Main Street lawyers. A substantial number of non-request civil and domestic certificates are sent to the private bar. Without an increase in professional and support staff this trend will continue.

Thompson Community Law Centre

During this fiscal year, Legal Aid, Thompson Office has continued to provide duty counsel services, domestic advice and certificate work to the following communities:

Theresa McDonald	**Rod Brecht**	**Gordon Bates**	**Mike Paluk**
Oxford House	Brochet	Shamattawa	Thompson Family
Pukatawagan	S. Indian Lake	God's Lake N.	Q.B. Family
Nelson House	Cross Lake	Norway House	Thompson Drug
Split Lake	Garden Hill	Thompson	Court
Thompson	Thompson		

The paralegals provide drop-in clinics and assistance in the following communities:

Sylvia Grier	**Sharon LeDrew**
Norway House	Shamattawa
God's Lake Narrows	Cross Lake

Members of the private bar provide assistance in the following communities:

Churchill	Gillam	God's Lake Narrows
Leaf Rapids		Lynn Lake

As well, this office continues to educate the general public in legal procedures by giving talks on matters of interest at local schools, the Crisis Centre, Y.W.C.A. and any other organization that requests this service.

The Evaluation of the Paralegal Project has been completed and the findings are quite positive with respect to client satisfaction with the service provided by the paralegals.

The demand for service in civil matters, which increased during the two year pilot project continues to remain high.

Further directions for the paralegal staff include extending service into other communities and increased public legal education activities.

Parklands Community Law Centre

This office is a Community Law Centre and an Area Director Office and serves the area of the former Dauphin Judicial District. The office consists of the supervising attorney and Area Director, one staff attorney, one paralegal and two support staff.

The office provides duty counsel services on circuit to Swan River (3 times per month), Roblin (once a month), and Ashern (once a month). In addition, duty counsel is provided in the ordinary court in Dauphin weekly and in the Dauphin Youth Court (twice a month). In addition, they provide duty counsel to the Provincial Judges Court (Family Division) in both Dauphin and Swan River (once a month each). The Unified Family Court now schedules sittings one week in each month for Dauphin and duty counsel is available for the Maintenance Enforcement docket there.

These circuits have generated a considerable increase in Legal Aid applications and duty counsel work for staff.

The office continues to operate Drop-in Clinics at Swan River which have been increased to 4 times a month. Roblin Drop-ins have been maintained at twice a month, and monthly Drop-ins are being provided at Camperville, Shoal River Reserve and Ebb & Flow Reserve. In May, 1990 the Drop-in Clinic in Swan River will move the Town offices to the Swan River Indian-Metis Friendship Centre. With circuit Court sitting on Wednesday, this brings Legal Aid's presence in Swan River to two days per week. Clinics at Crane River and Pine Creek were dropped as being non-productive, but Shoal River and Ebb & Flow have been sufficiently productive to be run monthly rather than on an alternate-month basis.

Staff from the Dauphin Office are also active in the community, including involvement with the Dauphin Women's Shelter and development of a mediation program in Dauphin.

Northlands Community Law Centre

The geographical area served by this office on a regular basis includes the communities of The Pas, Flin Flon, Moose Lake, Easterville, Grand Rapids, Cranberry Portage and Snow Lake. It is anticipated that Pukatawagan will once again be served out of this office as well. All of these communities (except Pukatawagan) are served by this office from The Pas by road, although the court party flies to some.

The staff of this office consists of two lawyers, an articling student and two secretaries. One secretary functions primarily as secretary to the Area Director and the other maintains the work flow associated with the practice of law. The articling student plays a real role in the workload of this office. The staff lawyers have 13 and 10 years experience at the Bar respectively as of the date of this report.

The office is open for drop-in advice year round from 8:30 a.m. to 4:30 p.m. As well, the home telephone numbers of both lawyers and the articling student are, of course, readily available from the telephone book and have been circulated to all R.C.M.P. Detachments in the area.

The office provides duty counsel service to both adult criminal court and youth court as follows:

Duty Counsel Service

Communities	Times per Month
The Pas	9
Flin Flon	3
Moose Lake	1
Cranberry Portage	1
Easterville	1
Grand Rapids	1

Regular drop-in clinics are held in all of these communities except for The Pas, Cranberry Portage and Snow Lake, once a month. Informal advice is given either by way of drop-in advice or telephone advice where such advice is sought.

There were 552 certificates issued to The Pas staff in the past year. Also 1,166 people were assisted by duty counsel and 761 by drop-in advice.

The type of work done by staff lawyers includes jury assize trials, Court of Queen's Bench matters, Court of Appeal appearances, Family Court, Youth Court and Provincial Court. In the area of community work, staff have attended upon learning institutions in The Pas and elsewhere. Staff lawyers and the articling student have been involved with a number of community organizations in the area.

Youth Office

Located at 635 Broadway, the Youth Office consists of William L. Malcolm, Supervising Attorney and General Counsel; Diane Dzydz, Attorney; Michael Walker, Attorney; Margaret Poneira, Paralegal; Bonnie Riddell, Secretary; and a student.

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The previous annual reports have spoken with some satisfaction of a high volume of case work being handled by the Youth Office. This has continued, as this past year has seen the average certificate per lawyer per month for the Youth Office increase from 28.6 in 1988 to 29.3 in 1989. This increase has come about in spite of a move downtown to the present office premises, from offices located in close proximity to the Manitoba Youth Centre.

The Youth Office continues to provide duty counsel services at the Manitoba Youth Centre on a daily basis and drop-in service for the Agassiz Centre for Youth. Presently, this office supplies duty counsel in Portage La Prairie for Youth Court and in Pine Falls for Adult Court. In January 1990, the Youth Office started a duty counsel program for Court Room 404 on Tuesdays and Thursdays of each week as a result of significant demand for services.

In addition to duty counsel responsibilities and certificates, the lawyers on staff continue to speak at various schools, the University of Winnipeg, and before other groups concerning the *Young Offenders Act* and the criminal justice system. Members of the office have contributed to and attended the meeting on the Youth Justice Liaison Committee.

The volume of work handled by the staff lawyers and support staff has reached the saturation point in terms of productivity. The volume of work handled by this office would not have been possible without the hard work and dedication shown by both the professional staff and the support staff to ensure representation of our clients.

Westman Community Law Centre

The Brandon Office services Southwestern Manitoba with a population of approximately 115,000 people. Services are provided by the Supervising Attorney/Area Director, two staff lawyers, a legal services officer and two support staff. Approximately ⅓ of the office's efforts go toward Area Director activities; ⅔ to providing direct legal services to clientele.

The office provides duty counsel in the following courts:

Bob Heinrichs	**Mervin Hart**	**Willis Congdon**
Brandon Youth Ct.	Portage la Prairie	Brandon Adult
Neepawa	(Adult docket)	Minnedosa
Killarney	Russell	Virden
Brandon Fed. Ct.	Rossburn	Souris
Melita	Virden	

The office also provides drop-in service from their office as well as institutional drop-ins at the Brandon Mental Health Centre and the Brandon Correctional Institute.

Staff members are involved in a number of outreach activities, including the John Howard Society, Canadian Mental Health Association, Concerned Citizens Committee, Learning Disabilities Association - Brandon Chapter, and the United Way of Brandon.

The Brandon Office has continued to be productive and its certificate output increased 8.2% over last year, to an average of 20.3 certificates per month per lawyer.

University of Manitoba Law Centre

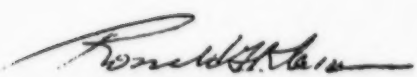
The Legal Aid Clinic is located in Robson Hall at the Law School of the University of Manitoba. It is staffed by a Director and a number of lawyers from the private bar who supervise the law students in the provision of legal services as permitted under the *Law Society Act*.

During the academic year, students from the 2nd and 3rd year of Law School are invited to provide services on a volunteer basis in the summary convictions matters as well as in a variety of civil cases such as Small Claims actions and appearances before Boards and tribunals.

During the summer months, the Clinic is staffed by three students who have completed their second year of Law School and are hired for the summer to ensure continuity of service.

In this year, the Clinic provided representation on 452 criminal and quasi-criminal matters, 49 civil matters and 88 advice files. The total number of files opened for the year was 589.

The Clinic is a joint effort by the University of Manitoba and the Legal Aid Manitoba and is funded by the Law Foundation of Manitoba, to provide service a group of people who would not otherwise benefit from Legal Aid services and also to give law students practical experience during their academic training.



Ronald G. Klassen
Deputy Director

REPORT OF THE PUBLIC INTEREST LAW CENTRE

The Public Interest Law Centre was established in 1982 to represent groups and organizations on public interest and low-income issues of law. Individual test cases are also accepted. In recent years, the Centre seems to have achieved recognition as a vital part of the Manitoba justice system. This reflects a maturing awareness of the need for public interest advocacy, as well as recognition of the Centre's track record for responsible and effective representation. In April 1990, as part of the legal profession's annual Law Day activities, the Centre Director Arne Peltz received the first Access to Justice Award, acknowledging his public interest law activities over the past decade.

Funding in 1989-90 was subject to the approval of the Manitoba Law Foundation, as the statutory guarantee expired on March 31st, 1989. The Foundation approved continuation of the grant at the $200,000 level. Additional revenue was secured from cost awards and client contributions.

The past year was a busy one and the Centre enjoyed a number of successes on major litigation files:

- A *Charter* challenge to Winnipeg zoning by-laws which restrict group homes for the disabled, offenders, etc. was heard by the Court of Appeal in June and November 1989. In April 1990 the by-laws were struck down in a unanimous ruling under Section 15, the equality rights guarantee in the *Charter*.

- In June 1989, the City of Winnipeg Planning Committee allowed a Building Code appeal by disability groups against the Royal Crown Restaurant concerning access for the physically disabled. On further appeal to the Minister of Labour, the restaurant was again found in breach of the Building Code and ordered to improve accessibility. Further proceedings involving Human Rights Code violations are pending.

- In August 1989 the Centre represented a mentally disabled couple whose baby had been apprehended by an agency at birth. Suing under both the *Charter* and the *Child and Family Services Act*, the Centre forced the agency to return the baby, to provide in-home parenting supports and to withdraw its apprehension application.

- Also in August 1989, the Supreme Court of Canada granted leave to appeal in the Old St. Boniface zoning case, allowing the Centre to argue that the common law rules against bias should be applied to the conduct of municipal councillors. The case will be heard in the Court's spring session.

- In October 1989, representing consumer and seniors groups, the Centre participated in a Court of Appeal stated case on Public Utilities Board jurisdiction with respect to Manitoba Hydro capital projects. The Court

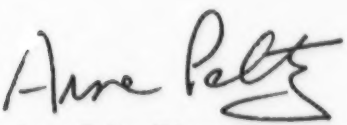
ruled that the Board could not control capital expenditures, but the Provincial Government nevertheless decided to refer Manitoba Hydro's capital plans to the Board for review later this year. As well, in the annual Hydro rate case, the Centre represented intervenors and obtained a $3M rate rollback in March 1990.

- In December 1989, the Centre represented the National Anti-Poverty Organization in obtaining leave to intervene before the Federal Court of Appeal in the case of *Finlay* v. *The Minister of Finance for Canada*, a challenge to the practice of overpayment deductions levied against welfare recipients. Due to the importance of the case, in which federal cost-sharing was enjoined by the Trial Judge, four provincial governments have intervened as well.

- During the 1989-90 Manitoba legislative session, the Centre represented tenant groups in support of Bill 42, the new *Residential Tenancies Act*. This Bill evolved from a ministerial committee's report, in which Mel Holley, the Centre's paralegal, was actively involved representing low income tenant interests. The Bill died on the order paper after much controversy, but the government has promised to reintroduce it later this year.

- Finally, in March 1990, the Centre obtained an injunction against the Forks Renewal Corporation halting a marina project which was initiated without a license under the *Environment Act*. This high profile case encouraged a wide spread public debate about redevelopment of the Forks site and the procedures being followed by the Forks Renewal Corporation.

The Centre was involved in numerous other matters, including Taxicab Board hearings on service and rates for the disabled, Autopac rates, claims against Manitoba Hydro in northern Manitoba, and a variety of housing, welfare, mental health and disability cases. Mel Holley presented advocacy training sessions to community groups. Arne Peltz was appointed Course Head for Administrative Advocacy in the Law Society's Bar Admission Course. Informal advice and drop-in assistance was provided to clients throughout the year. As well, the Centre assisted staff at other Legal Aid offices with poverty law and public interest law inquiries.



Arne Peltz, Director
Public Interest Law Centre

APPENDIX A

Legal Aid Activity by Area

For The Year Ended March 31, 1990
(with the 1989 Comparisons in Parenthesis)

Area	Applications for Legal Aid Certificates	Applications Refused	Certificates Issued Civil	Criminal	Youth	Certificates Cancelled	Persons Assisted by Duty Counsel
Brandon	3,373	859	1,071	1,125	318	98	2,852
	(3,156)	(774)	(1,020)	(997)	(365)	(154)	(2,386)
Dauphin	1,636	239	480	694	223	43	1,255
	(1,409)	(203)	(486)	(562)	(158)	(33)	(1,117)
The Pas & Thompson	2,759	338	744	1,289	388	82	4,393
	(2,477)	(386)	(575)	(1,148)	(386)	(36)	(3,779)
Winnipeg	25,526	6,398	7,407	8,903	2,818	1,898	19,948
	(24,019)	(5,966)	(6,511)	(8,781)	(2,761)	(1,634)	(20,069)
Provincial Total	33,294	7,834	9,702	12,011	3,747	2,121	28,448
	(31,061)	(7,329)	(8,592)	(11,488)	(3,652)	(1,857)	(27,351)

NOTES:

1. *In the fiscal year ended March 31, 1990 there was a total of 25,460 (23,732) certificates issued; of this total 7,107 (6,740) were issued to staff lawyers through the following community law centres.*

Winnipeg	*— Broadway*	*1,786*	*(1,506)*
	— Main	*1,577*	*(1,384)*
	— Youth	*1,054*	*(1,029)*
	— Head Office	*34*	*(238)*
Westman		*732*	*(675)*
Parklands		*478*	*(425)*
The Pas		*552*	*(554)*
Thompson		*894*	*(929)*
		7,107	*(6,740)*

2. *In the fiscal year ended March 31, 1990 there was a total of 28,448 (27,351) people assisted by Duty Counselling services: of this total 25,196 (24,410) were assisted by staff lawyers through the following community law centres:*

Winnipeg	*— Broadway*	*11,474*	*(12,591)*
	— Main	*1,179*	*(987)*
	— Youth	*4,746*	*(4,154)*
	— Head Office	*Nil*	*Nil*
Westman		*2,632*	*(2,164)*
Parklands		*1,154*	*(1,077)*
The Pas		*1,429*	*(1,061)*
Thompson		*2,582*	*(2,376)*
		25,196	*(24,410)*

(Table continued on next page)

3. *For the year ended March 31, 1990 7,834 (23.6%) of the applications for Legal Aid were refused as compared to 7,329 (23.6%) in the previous year.*

4. *For the year ended March 31, 1990, there were a total of 16,790 (16,860) telephone and drop-in inquiries and 586 (599) non certificate files opened for a total of 17,376 (17,459) people assisted broken down as follows.*

Winnipeg	*— Broadway*	*2,955*	*(1,772)*
	— Main	*3,377*	*(3,053)*
	— Youth	*304*	*(652)*
	— University	*586*	*(599)*
	— Head Office	*1,489*	*(1,440)*
Westman		*3,357*	*(3,018)*
Parklands		*1,070*	*(2,187)*
Selkirk		*589*	*(934)*
The Pas		*2,146*	*(1,570)*
Thompson		*1,503*	*(2,234)*
		17,376	*(17,459)*

5. *For the year ending March 31, 1990, there was a total of 71,284 (68,542) people assisted either on a formal or informal basis.*

Analysis of Certificates Issued
For the Year Ended March 31, 1990
(with the 1989 Comparisons in Parenthesis)

Certificate Classification	Private Bar	Law Centres	Totals
CRIMINAL ADULT			
Murder	44 (35)	5 (5)	49 (40)
Attempt Murder	50 (62)	6 (6)	56 (68)
Manslaughter	5 (6)	Nil (Nil)	5 (6)
Sexual Assault - A	19 (20)	6 (6)	25 (26)
Importation of Narcotics	3 (Nil)	Nil (Nil)	3 (Nil)
Sexual Assault - Indictable	256 (256)	115 (70)	371 (326)
Assault - B	522 (413)	212 (189)	734 (602)
Robbery	283 (317)	60 (63)	343 (380)
Cause Harm/Death	54 (10)	17 (1)	71 (11)
Other Sexual Offences - B	19 (15)	11 (7)	30 (22)
Arson	32 (20)	7 (8)	39 (28)
Narcotics - B	430 (255)	84 (45)	514 (300)
Incest	7 (9)	2 (1)	9 (10)
Sexual Assault - Summary	20 (Nil)	7 (Nil)	27 (Nil)
Miscellaneous - B	31 (4)	11 (2)	42 (6)
Sexual Offences - C	22 (27)	5 (7)	27 (34)
Break, Enter	1,119 (1,019)	412 (414)	1,531 (1,433)
Possess Weapon Dangerous to Public Peace	220 (280)	119 (108)	339 (388)
Theft - Indictable	322 (345)	142 (99)	464 (444)
Possess Goods Obtained by Crime - Indictable	238 (243)	66 (69)	304 (312)
Forgery/Uttering	146 (159)	48 (39)	194 (198)
Fraud - Indictable	152 (150)	47 (52)	199 (202)
False Pretences - Indictable	38 (69)	11 (16)	49 (85)

(Table continued on next page)

Certificate Classification	Private Bar	Law Centres	Totals
Mischief	201 (128)	114 (58)	315 (186)
U.A.L./Escape	152 (149)	40 (27)	192 (176)
Other Weapons Offences	57 (39)	38 (27)	95 (66)
Set Fire	18 (12)	8 (4)	26 (16)
Communication for the Purpose	42 (51)	7 (8)	49 (59)
Other Narcotics - C	145 (194)	22 (33)	167 (227)
M.V.O. - Federal	762 (780)	294 (254)	1,056 (1,034)
Uttering Threats	213 (117)	67 (27)	280 (144)
Obstruction	74 (31)	29 (9)	103 (40)
Breach Probation	416 (515)	142 (125)	558 (640)
Fraud - Summary	44 (83)	26 (15)	70 (98)
False Pretences - Summary	89 (139)	20 (30)	109 (169)
Possess Goods Obtained by Crime - Summary	102 (132)	24 (30)	126 (162)
Theft - Summary	587 (675)	204 (204)	791 (879)
Other Breach and F.T.A.	152 (236)	54 (44)	206 (280)
Assault - C	985 (1,006)	487 (452)	1,472 (1,458)
M.V.O. - Provincial	317 (256)	84 (81)	401 (337)
Other Federal Offences	136 (116)	61 (47)	197 (163)
Other Provincial Offences	19 (8)	15 (4)	34 (12)
Parole/Prison Law	62 (60)	63 (51)	125 (111)
Appeals - Client	129 (129)	40 (25)	169 (154)
Appeals - Crown	52 (40)	7 (9)	59 (49)
Junior Counsel	4 (12)	1 (2)	5 (14)
Uncoded	Nil (79)	19 (172)	19 (93)
	8,790 (8,543)	3,221 (2,945)	12,011 (11,488)

Analysis of Certificates Issued
For the Year Ended March 31, 1990
(with the 1989 Comparisons in Parenthesis)

Certificate Classification	Private Bar	Law Centres	Totals
CRIMINAL YOUTH			
Murder	4 (1)	Nil (Nil)	4 (1)
Attempted Murder	3 (8)	1 (Nil)	4 (8)
Sexual Assault - A	1 (3)	Nil (7)	1 (10)
Importation of Narcotics	Nil (Nil)	1 (Nil)	1 (Nil)
Sexual Assault - Indictable	53 (44)	37 (38)	90 (82)
Assault - B	61 (36)	57 (51)	118 (87)
Robbery	40 (51)	30 (47)	70 (98)
Cause Harm/Death	4 (Nil)	3 (Nil)	7 (Nil)
Other Sexual Offences - B	1 (4)	6 (1)	7 (5)
Arson	6 (18)	6 (18)	12 (36)
Narcotics - B	33 (15)	24 (22)	57 (37)
Incest	Nil (1)	1 (3)	1 (4)
Sexual Assault - Summary	10 (1)	11 (Nil)	21 (1)
Miscellaneous - B	4 (4)	2 (1)	6 (5)
Sexual Offences - C	7 (2)	7 (3)	14 (5)
Break, Enter	540 (536)	535 (510)	1,075 (1,046)
Possess Weapon Dangerous to Public Peace	29 (57)	35 (53)	64 (110)
Theft - Indictable	93 (110)	91 (99)	184 (209)
Possess Goods Obtained by Crime - Indictable	42 (51)	31 (38)	73 (89)
Forgery/Uttering	18 (16)	12 (11)	30 (27)
Fraud - Indictable	9 (10)	6 (1)	15 (11)
False Pretences - Indictable	Nil (1)	Nil (2)	Nil (3)
Mischief	85 (48)	87 (58)	172 (106)

(Table continued on next page)

Certificate Classification	Private Bar	Law Centres	Totals
U.A.L./Escape	106 (Nil)	74 (6)	180 (6)
Other Weapons Offences	13 (18)	14 (14)	27 (32)
Set Fire	1 (5)	7 (13)	8 (18)
Communications for the Purpose	8 (8)	3 (3)	11 (11)
Other Narcotics - C	30 (28)	25 (24)	55 (52)
M.V.O - Federal	25 (37)	16 (20)	41 (57)
Uttering Threats	26 (6)	26 (6)	52 (12)
Obstruction	7 (Nil)	6 (2)	13 (2)
Breach Probation	6 (3)	4 (Nil)	10 (3)
Fraud - Summary	6 (7)	10 (6)	16 (13)
False Pretences - Summary	2 (11)	1 (10)	3 (21)
Possess Goods Obtained by Crime - Summary	49 (42)	30 (35)	79 (77)
Theft - Summary	201 (231)	256 (218)	457 (449)
Other Breach and F.T.A.	12 (2)	6 (1)	18 (3)
Assault - C	120 (138)	147 (122)	267 (260)
M.V.O. - Provincial	6 (9)	Nil (5)	6 (14)
Other Federal Offences	12 (12)	10 (10)	22 (22)
Other Provincial Offences	2 (4)	2 (3)	4 (7)
Parole/Prison Law	Nil (1)	Nil (4)	Nil (5)
Youth Transfer	5 (4)	6 (4)	11 (8)
Youth Reviews/Breaches	270 (328)	139 (213)	409 (541)
Appeals - Youth	24 (16)	10 (12)	34 (28)
Junior Counsel	1 (Nil)	Nil (Nil)	1 (Nil)
Uncoded	Nil (17)	3 (48)	3 (31)
	1,975 (1,910)	1,772 (1,742)	3,747 (3,652)

Analysis of Certificates Issued
For the Year Ended March 31, 1990
(with the 1989 Comparisons in Parenthesis)

Certificate Classification	Private Bar	Law Centres	Totals
CIVIL			
Divorce	1,869 (1,630)	455 (466)	2,324 (2,096)
Separation	2,411 (1,669)	634 (544)	3,045 (2,213)
Variation	1,061 (839)	201 (186)	1,262 (1,025)
C.F.S. and Guardianship	1,008 (1,110)	355 (375)	1,363 (1,485)
Adoption	81 (64)	32 (28)	113 (92)
Parentage Proceedings	354 (281)	106 (98)	460 (379)
Immigration	62 (102)	46 (27)	108 (129)
Welfare Matters	32 (40)	17 (29)	49 (69)
Other Administrative	86 (74)	19 (34)	105 (108)
Landlord/Tenant	37 (47)	8 (7)	45 (54)
Appeals - Civil	64 (81)	14 (13)	78 (94)
Legal Opinions - Civil	76 (66)	40 (47)	116 (113)
Other Civil	177 (270)	80 (106)	257 (376)
Youth/ Court Appointed/Amicus	37 (30)	16 (4)	53 (34)
Workers Compensation	19 (28)	18 (13)	37 (41)
Mental Health Matters	33 (39)	9 (10)	42 (49)
Estate Matters	16 (9)	3 (8)	19 (17)
Defendant - Civil Suit	117 (115)	46 (30)	163 (145)
Plaintiff - Civil Suit	48 (42)	10 (30)	58 (72)
Immigration - P.O.E.	Nil (1)	25 (Nil)	25 (1)
Uncoded	Nil (Nil)	20 (Nil)	20 (Nil)
	7,588 (6,537)	2,114 (2,055)	9,702 (8,592)

Analysis of Completed Cases by Types of Case
(Private Bar Only)
For the Year Ended March 31, 1990
(with the 1989 Comparisons in Parenthesis)

Type of Aid	Number of Cases	Total Fees and Disbursements	Average Cost Per Case
CRIMINAL ADULT			
Murder	44	$171,007	$3,886.52
Attempted Murder	59	74,803	1,267.85
Manslaughter	4	12,793	3,198.25
Sexual Assault - A	23	30,507	1,326.39
Sexual Assault - Indictable	260	233,262	897.16
Assault - B	561	364,552	649.83
Robbery	314	206,472	657.55
Cause Harm/Death	68	46,567	684.81
Other Sexual Offences - B	13	9,067	697.46
Arson	23	15,922	692.26
Narcotics - B	325	171,491	527.66
Incest	2	858	429.00
Sexual Assault - Summary	11	4,924	447.64
Miscellaneous - B	40	25,941	648.53
Sexual Offences - C	27	15,471	573.00
Break	1,155	386,578	334.70
Possess Weapon Dangerous to Public Peace	256	97,577	381.16
Theft - Indictable	356	132,530	372.28
Possess Goods Obtained by Crime - Indictable	266	92,303	347.00
Forgery/Uttering	186	55,021	295.81
Fraud - Indictable	166	76,137	458.66
False Pretences - Indictable	47	15,080	320.85
Mischief	281	84,155	299.48
U.A.L./Escape	143	38,034	265.97
Other Weapons Offences	61	16,030	262.79
Set Fire	17	6,492	381.88
Communications for the Purpose	28	7,777	277.75
Other Narcotics - C	157	48,266	307.43
M.V.O. - Federal	852	273,269	320.74
Uttering Threats	220	81,207	369.12
Obstruction	89	29,608	332.67
Breach Probation	534	150,411	281.67
Fraud - Summary	74	20,552	277.73
False Pretences - Summary	87	23,316	268.00
Possess Goods Obtained by Crime - Summary	130	40,649	312.68
Theft - Summary	668	193,252	289.30
Other Breach and F.T.A.	191	60,685	317.72
Assault - C	934	357,708	382.99

(Table continued on next page)

Type of Aid	Number of Cases	Total Fees and Disbursements	Average Cost Per Case
M.V.O. - Provincial	332	$ 96,620	$ 291.02
Other Federal Offences	145	54,248	374.12
Other Provincial Offences	9	3,108	345.33
Parole/Prison Law	55	13,167	239.40
Appeals - Client	134	197,698	1,475.36
Appeals - Crown	52	38,134	733.35
Junior Counsel	7	10,224	1,460.57
	9,406	$ 4,083,473	$ 434.13
	(9,229)	(3,760,850)	(407.50)
CRIMINAL YOUTH			
Murder	2	$ 10,342	$ 5,171.00
Attempted Murder	3	1,344	448.00
Sexual Assault - A	1	750	750.00
Sexual Assault - Indictable	59	42,966	728.24
Assault - B	48	30,495	635.31
Robbery	35	18,396	525.60
Cause Harm/Death	7	4,065	580.71
Other Sexual Offences - B	2	905	452.50
Arson	13	7,547	580.54
Narcotics - B	26	12,147	467.19
Incest	1	1,111	1,111.00
Sexual Assault - Summary	4	1,511	377.75
Miscellaneous - B	3	950	316.67
Sexual Offences - C	2	521	260.50
Break, Enter	537	162,650	302.89
Possess Weapons Dangerous to Public Peace	35	11,331	323.74
Theft - Indictable	92	27,474	298.63
Possess Goods Obtained by Crime - Indictable	45	13,789	306.42
Forgery/Uttering	24	5,943	247.63
Fraud - Indictable	4	1,757	439.25
False Pretences - Indictable	2	501	250.50
Mischief	92	25,885	281.36
U.A.L./Escape	107	27,649	258.40
Other Weapons Offences	10	2,963	296.30
Set Fire	1	1,365	1,365.00
Communications for the Purpose	6	3,087	514.50
Other Narcotics	36	11,988	333.00
M.V.O. - Federal	31	10,026	323.42
Uttering Threats	18	6,657	369.83
Obstruction	7	2,462	351.71
Breach Probation	11	2,801	254.64
Fraud Summary	4	1,118	279.50
False Pretences - Summary	1	251	251.00

(Table continued on next page)

Type of Aid	Number of Cases	Total Fees and Disbursements	Average Cost Per Case
Possess Goods Obtained by Crime - Summary	46	$ 14,005	$ 304.46
Theft - Summary	206	57,782	280.50
Other Breach and F.T.A.	14	4,253	303.79
Assault - C	133	47,122	354.30
M.V.O. - Provincial	4	1,361	340.25
Other Federal Offences	17	4,864	286.12
Youth Transfer	11	11,290	1,026.36
Youth Reviews/Breaches	273	74,038	271.20
Appeals - Youth	22	14,447	656.68
	1,995	$ 681,909	$ 341.81
	(2,127)	(693,372)	(325.99)
CIVIL			
Divorce	1,734	$ 889,932	$ 513.22
	(1,614)	(811,446)	(502.75)
Separation	1,938	868,915	448.36
	(1,500)	(645,146)	(430.10)
Variation	1,008	514,713	510.63
	(890)	(427,972)	(480.87)
C.S.F. and Guardianship	887	501,376	565.25
	(1,141)	(579,702)	(508.06)
Adoption	67	26,208	391.16
	(67)	(26,688)	(398.33)
Parentage Proceedings	316	144,728	458.00
	(187)	(82,002)	(438.51)
Immigration	40	17,710	442.75
	(69)	(26,546)	(384.72)
Welfare Matters	39	11,607	297.62
	(49)	(19,121)	(390.22)
Other Administrative	85	33,893	398.74
	(54)	(23,470)	(434.63)
Landlord/Tenant	43	13,707	318.77
	(52)	(16,864)	(324.31)
Appeals	67	72,408	1,080.72
	(66)	(68,079)	(1,031.50)
Legal Opinion - Civil	53	17,907	337.87
	(43)	(9,780)	(227.44)
Other Civil	103	60,827	590.55
	(148)	(64,981)	(439.06)
Youth/Ct. Apptd./Amicus	66	31,390	475.61
	(35)	(18,999)	(542.83)
Workers Compensation	19	10,838	570.42
	(17)	(8,621)	(507.12)
Mental Health	33	14,003	424.33
	(32)	(12,753)	(398.53)
Estate Matters	13	8,297	638.23
	(6)	(1,404)	(234.00)

(Table continued on next page)

Type of Aid	Number of Cases	Total Fees and Disbursements	Average Cost Per Case
Defendent - Civil Suit	115	$ 86,901	$ 755.66
	(123)	(56,619)	(460.32)
Plaintiff - Civil Suit	33	37,212	1,127.64
	(47)	(44,955)	(956.49)
Immigration - P.O.E.	1	904	904.00
	(1)	(338)	(338.00)
	6,660	3,363.476	505.03
	(6,141)	(2,945.486)	(479.64)

* *Criminal adult and youth totals breakdown not available for prior year because of change in coding system.*

Note: *As of March 31, 1990 there were approximately 15,875 cases yet to be completed and paid compared to 15,612 in the previous year.*

Legal Aid Fees and Disbursements By Area
(Private Bar Only)
For the Year Ended March 31, 1990
(with the 1989 Comparisons in Parenthesis)

	Fees	Disbursements	Total	Completed Cases	Average Cost Per Case
CRIMINAL ADULT					
Brandon	$ 279,098	$ 13,773	$ 292,871	705	$ 415.42
	(282,683)	(13,585)	(296,268)	(781)	(379.34)
Dauphin	172,906	8,240	181,146	470	385.42
	(158,847)	(8,630)	(167,477)	(405)	(413.52)
Selkirk	Nil	Nil	Nil	Nil	Nil
	(510)	(6)	(516)	(2)	(258.00)
The Pas & Thompson	166,091	15,901	181,992	357	509.78
	(115,493)	(15,893)	(131,386)	(245)	(536.27)
Winnipeg	3,196,961	230,503	3,427,464	7,874	435.29
	(2,982,544)	(182,659)	(3,165,203)	(7,796)	(406.00)
CRIMINAL YOUTH					
Brandon	58,123	1,057	59,180	177	334.35
	(78,619)	(2,967)	(81,586)	(251)	(325.04)
Dauphin	39,815	853	40,668	121	336.10
	(30,353)	(393)	(30,746)	(97)	(316.97)
The Pas & Thompson	22,905	1,976	24,881	61	407.89
	(13,625)	(904)	(14,529)	(43)	(337.88)
Winnipeg	538,637	18,543	557,180	1,636	340.57
	(550,094)	(16,417)	(566,511)	(1,736)	(326.33)
CIVIL					
Brandon	348,931	45,015	393,946	829	475.21
	(330,211)	(38,188)	(386,399)	(808)	(455.94)
Dauphin	111,853	10,254	122,107	270	452.25
	(100,259)	(9,118)	(109,377)	(278)	(393.44)
Selkirk	5,078	951	6,029	4	1,507.25
	(1,929)	(356)	(2,285)	(5)	(457.00)
The Pas & Thompson	125,682	16,182	141,864	392	361.90
	(78,807)	(8,667)	(87,474)	(231)	(378.68)
Winnipeg	2,320,499	379,031	2,699,530	5,165	522.66
	(2,068,604)	(309,347)	(2,377.951)	(4,819)	(493.45)
	$ 7,386,579	$ 742,279	$ 8,128,858	$18,061	$ 450.08
	(6,792,578)	(607,130)	(7,399,708)	(17,497)	(422.91)
Pre-Completion Disbursements	Nil	44,370	44,370		
	(Nil)	(47,085)	(47,085)		
	$ 7,386,579	$ 786,649	$ 8,173,228		
	(6,792,578)	(654,215)	(7,446,793)		

The financial statements show total private bar disbursements of $8,121,009.24. That figure was adjusted to reflect holdbacks of $72.97, private bar refunds of $5,060.79 and pre-completion disbursements paid in prior years of $2,714.56. The prior year figures were similarly adjusted.

Analysis of Completed Cases by Court
(Private Bar Only)
For the Year Ended March 31, 1990
(with the 1989 Comparisons in Parenthesis)

	Number of Cases	Total Fees and Disbursements	Average Cost Per Case
Provincial Court (Criminal Division)	8,766 (8,590)	$3,273,653 (3,037,158)	$ 373.45 (353.57)
Provincial Court (Youth Division)	1,975 (2,106)	669,270 (683,583)	338.87 (324.59)
Provincial Court (Family Division)	398 (428)	197,685 (196,630)	496.70 (459.42)
County Court	Nil (2)	Nil (597)	Nil (298.50)
Queen's Bench	4,391 (4,328)	3,129,028 (2,850,591)	712.60 (658.64)
Surrogate	Nil (2)	Nil (616)	Nil (308.00)
Court of Appeal	194 (144)	224,748 (170,179)	1,158.49 (1,181.80)
Federal Court	12 (16)	9,308 (12,767)	775.67 (797.94)
Supreme Court	15 (5)	61,504 (17,071)	4,100.27 (3,414.20)
Review Board	167 (196)	86,222 (80,986)	516.30 (413.19)
Matters not resulting in Court Proceedings	2,143 (1,680)	477,440 (349,530)	222.79 (208.05)
	18,061 (17,497)	$8,128,858 (7,399,708)	$ 450.08 (422.91)

Duty Counsel Fees and Disbursements
(Private Bar Only)
For the Year Ended March 31, 1990
(with the 1989 Comparisons in Parenthesis)

	Persons Assisted	Total Fees and Disbursements	Average Cost Per Person Assisted
Brandon	220 (222)	$ 3,122 (3,724)	$ 14.19 (16.77)
Dauphin	101 (40)	1,080 (905)	10.69 (22.63)
Selkirk	575 (296)	17,425 (9,188)	30.30 (31.04)
The Pas & Thompson	382 (342)	25,501 (26,403)	66.76 (77.20)
Winnipeg	207 (398)	3,222 (4,942)	15.57 (12.42)
	1,485 (1,298)	$ 50,350 (45,162)	$ 33.91 (34.79)

**The financial statements show total duty counsel disbursements of $80,384.38. That figure includes disbursements of $30,034.61 for age and opportunity duty counsel.*

APPENDIX B

Manitoba

THE LEGAL AID SERVICES SOCIETY OF MANITOBA
REPORT OF THE PROVINCIAL AUDITOR'S OFFICE

We have examined the statement of fund of The Legal Aid Services Society of Manitoba as at March 31, 1990 and the statement of receipts and disbursements for the fiscal year then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as we considered necessary in the circumstances.

In our opinion, these financial statements present fairly the cash position of the Fund of The Legal Aid Services Society of Manitoba as at March 31, 1990 and the results of its cash operations for the year then ended in accordance with the accounting policies stated in note 2 to the financial statements applied on a basis consistent with that of the preceding year.

Fred H. Jackson

F. H. Jackson, CA,
Provincial Auditor.

September 14, 1990,
Winnipeg, Manitoba.

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Statement of Fund
as at March 31, 1990
(with 1989 figures for comparison)

	1990	1989
Fund balance beginning of year	$ 30,319	$ 30,134
Excess of receipts over disbursements	8,268	185
Fund balance end of year	$ 38,587	$ 30,319
Fund balance represented by:		
Cash on hand and in bank	$ 1,141,377	$ 754,653
Outstanding reimbursement from the Government of the Province of Manitoba (Note 2.a)	360,000	10,000
Cheques issued and outstanding (Note 2.a)	(1,462,790)	(734,334)
Fund balance end of year	$ 38,587	$ 30,319

The accompanying schedules and notes are an integral part of these financial statements.

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Statement of Receipts and Disbursements
for the year ended March 31, 1990
(with 1989 figures for comparison)

	1990	1989
Receipts:		
Government of the Province of Manitoba (Note 4)	$10,944,303	$ 10,153,215
The Manitoba Law Foundation (Note 5)	1,998,050	1,530,738
Government of Canada (Note 6)	128,809	113,925
Contributions from clients	228,698	135,940
Recoveries (Note 7)	191,480	229,749
Judgement costs and settlements	34,254	26,858
Interest income	51,744	29,835
Other	1,548	7,509
Total receipts	13,578,886	12,227,769
Disbursements (Note 2.a):		
Private bar fees and disbursements:		
Legal aid certificates	8,121,009	7,393,689
Duty counsel services	80,385	79,725
	8,201,394	7,473,414
Community Law Centres, Schedule 1	3,495,588	3,025,013
Public Interest Law Centre, Schedule 2	294,502	228,814
University Law Centre, Schedule 3	66,241	64,990
Northern Para-legal Project, Schedule 4	63,677	129,964
Designated Counsel, Schedule 5	68,254	-
General and administrative, Schedule 6	1,380,962	1,305,389
Total disbursements	13,570,618	12,227,584
Excess of receipts over disbursements	$ 8,268	185

The accompanying schedules and notes are an integral part of these financial statements.

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Community Law Centres
Schedule of Disbursements
for the year ended March 31, 1990
(with 1989 figures for comparison)

	1990	1989
Advertising and information	$ 1,253	$ 806
Certificate disbursements	88,870	73,922
Data processing	23,912	3,231
Duplicating services and supplies	33,833	40,093
Fly-in duty counsel program - travel	35,640	40,205
Furniture, equipment and leasehold improvements - net of disposals	3,608	7,212
Health and post secondary education tax levy	57,778	47,862
Library	36,221	28,592
Maintenance	20,381	22,544
Meetings and seminars	23,189	13,673
Office and postage	113,397	140,178
Office relocation	-	650
Rent	157,189	159,679
Salaries and benefits - professional	2,147,338	1,795,830
- clerical	550,031	468,058
Staff recruitment	6,570	7,041
Stationery and forms	4,536	2,898
Sundry	2,038	1,263
Telephone	102,362	94,810
Travel	75,179	62,725
Utilities	12,263	13,741
Total	$ 3,495,588	$ 3,025,013

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Public Interest Law Centre
Schedule of Disbursements
for the year ended March 31, 1990
(with 1989 figures for comparison)

	1990	1989
Expert witnesses and consultants	$ 56,273	$ 27,905
File disbursements	11,312	14,336
Furniture and equipment	92	3,581
Health and post secondary education tax levy	4,192	2,601
Meetings and seminars	1,628	1,385
Office and postage	1,580	1,486
Rent	16,752	12,027
Salaries and benefits	194,849	157,344
Sundry	2,893	2,627
Travel	4,931	5,522
Total	$ 294,502	$ 228,814

THE LEGAI AID SERVICES SOCIETY OF MANITOBA

University Law Centre
Schedule of Disbursements
for the year ended March 31, 1990
(with 1989 figures for comparison)

	1990	1989
Certificate disbursements	$ 1,775	$ 817
Duplicating services and supplies	655	436
Health and post secondary education tax levy	855	745
Office and postage	1,513	1,914
Salaries and benefits - professional	29,446	30,805
- clerical	25,582	22,754
Stationery and forms	-	576
Sundry	52	46
Telephone	3,336	3,403
Travel	3,027	3,494
Total	$ 66,241	$ 64,990

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Northern Para-legal Project
Schedule of Disbursements
for the year ended March 31, 1990
(with 1989 figures for comparison)

	1990	1989
Fly-in duty counsel program - travel	$ 6,552	$ 25,523
Health and post secondary education tax levy	868	1,674
Meetings and seminars	1,629	5,300
Office and postage	-	231
Professional fees	9,000	9,000
Rent	5,120	9,820
Salaries and benefits	40,501	78,360
Sundry	7	56
Total	$ 63,677	$ 129,964

SCHEDULE 5

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Designated Counsel
Schedule of Disbursements
for the year ended March 31, 1990

Certificates disbursements	$	217
Duplicating services and supplies		1,027
Furniture and equipment - rental		6,685
Health and post secondary education tax levy		916
Library		855
Maintenance		669
Meetings and seminars		200
Office and postage		3,150
Rent		5,833
Salaries and benefits - professional		34,876
- clerical		10,226
Stationery and forms		122
Telephone		2,758
Travel		363
Utilities		357
Total	$	68,254

SCHEDULE 6

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Schedule of General and Administrative Disbursements
for the year ended March 31, 1990
(with 1989 figures for comparison)

	1990	1989
Advertising and information	$ 11,477	$ 13,907
Bank charges	1,933	1,772
Collections	3,375	1,215
Data processing	39,403	95,392
Directors' fees and expenses	19,189	19,589
Duplicating services and supplies	15,866	27,686
Filing fees	4,402	1,494
Furniture, equipment and leasehold improvements - net of disposals	5,147	654
Health and post secondary education tax levy	21,588	19,208
Library	6,973	5,810
Maintenance	1,058	1,639
Meetings and seminars	4,088	6,191
Office and postage	61,269	63,017
Professional fees	13,120	12,840
Rent	94,194	68,548
Salaries, honoraria and benefits	993,519	883,432
Staff recruitment	1,997	455
Stationery and forms	28,364	32,118
Sundry	1,498	1,453
Telephone	34,496	31,928
Travel	11,955	11,681
Utilities	6,051	5,360
Total	$ 1,380,962	$ 1,305,389

1. Objective of the Society

The objective of the Society is to assist individuals, groups and organizations who, left to their own means, could not afford to retain the services of a lawyer. Clients may be charged a fee based on their ability to pay.

Legal aid may be furnished to groups and organizations involving matters of an interest common to members of the group and relating to issues of public interest such as, but not restricted to, consumer and environmental issues.

Legal aid may be provided to wards of agencies if they would otherwise be eligible for legal aid. The cost of the legal aid provided is recovered from the agencies.

Significant Accounting Policies

a) Cash Basis of Accounting

The Society presents its financial statements on a cash basis with the following exceptions:

i) The Society takes into receipts, grants received from the Government of the Province of Manitoba after the end of the fiscal year when these are paid by the Government out of funds voted for the year then ended.

ii) The Society records as disbursements, payments made after the end of the fiscal year, when these are reimbursed by the Government out of funds voted for the year then ended. The payments are included in cheques issued and outstanding shown in the Statement of Fund.

b) Fixed Assets

Fixed assets are charged to operations in the year acquired.

c) Pensions

In accordance with the provisions of The Manitoba Civil Service Superannuation Act, the Society contributes 50% of the pension disbursements made to retired employees. Such payments are charged to operations as incurred and provision is not made in the accounts to fund current or past service obligations to the Superannuation Fund. On the basis of an actuarial report, the unfunded liability for the Society's employees amounted to $2,055,000 as at March 31, 1990 (1989 - $1,664,000).

d) Salary Related Costs

Staff benefits and other salary related costs are paid directly out of an appropriation of the Government of the Province of Manitoba and are handled by the Society as described below.

Where the amounts of a particular salary related cost are readily determinable, the amount is shown as a receipt from the Government of the Province of Manitoba and as an expenditure in the appropriate disbursement category. The salary related costs recorded in this manner are pension costs as described in Note 2 c), unemployment insurance, Canada Pension Plan, group life insurance, accidental death and disablement insurance, Workers Compensation Board assessments and the health and post secondary education tax levy.

Where the amounts of a particular salary related cost are not readily determinable, these costs are excluded from the Statement of Receipts and Disbursements. The salary related costs which are handled in this manner are dental plan and long-term disability payments.

3. General and Administrative Expenses

General and administrative expenses incurred to provide services of the Society's various programs are reflected in the Schedule of General and Administrative Disbursements.

4. Government of the Province of Manitoba Receipts:

	1990	1989
Grants (Note 2.a)	$ 7,090,257	$ 6,750,000
Salaries and other payments	3,651,575	3,217,600
Health and post secondary education tax levy - Civil Service Commission	82,160	71,150
Employer portion of employee benefits - Civil Service Commission	120,311	114,465
	$10,944,303	$10,153,215

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Notes to Financial Statements
for the year ended March 31, 1990

5. The Manitoba Law Foundation Receipts:

	1990	1989
Grant	$ 1,734,630	$ 1,270,738
Public Interest Law Centre	200,000	200,000
University Law Centre	63,420	60,000
	$ 1,998,050	$ 1,530,738

6. Government of Canada Receipts:

	1990	1989
Northern Para-legal Project	$ 10,000	$ 113,925
Expanded Eligiblity	46,870	-
Designated Counsel	71,939	-
	$ 128,809	$ 113,925

7. Recoveries Receipts:

	1990	1989
Wards of agencies	$ 97,108	$ 93,454
Private bar fees	30,914	30,644
Public Interest Law Centre	63,186	58,614
Insurance claim	272	47,037
	$ 191,480	$ 229,749

8. Significant Receivables, Prepaid Expenses, Liabilities and Commitments

a) Receivables

Approximate accounts receivable respecting contributions, recoveries and judgements, without providing an allowance for doubtful accounts, amounted to $ 372,000 for the year ended March 31, 1990 (1989 - $ 213,000).

b) Prepaid Expenses

Prepaid expenses respecting law society fees and insurance amounted to $55,900 for the year ended March 31, 1990 (1989 - $ 66,600).

c) Liabilities

	1990	1989
Approximate liability for legal aid certificate billings received but unpaid	$ 60,500	$ 65,700
Approximate liability for unpaid operating expenses	3,200	137,400
	$ 63,700	$ 203,100

d) Commitments

Lease

i) The Society rents facilities under operating leases. The aggregate annual rental of the commitments under the leases, which expire at varying dates to March 31, 1994, are:

1991	$ 260,122
1992	82,623
1993	102,489
1994	94,156
	$ 639,390

Private Bar

ii) Estimated total commitments for future billings on outstanding legal aid certificates amounted to $ 6,683,000 as at March 31, 1990 (1989 - $ 6,160,000).

9. Comparative Figures

Certain comparative figures on the financial statements have been restated to conform with the presentation of the current year.